

# REPORT OF THE COMMITTEE ON POOR LAW REFORM

## SECTION I.

### THE EUGENIC PRINCIPLE IN POOR LAW ADMINISTRATION

1. *The Methods of Eugenics.* Control is exercised by the community over the conduct of individual members in two ways, corresponding with the type of individual concerned. The average citizen is amenable to public opinion in its various forms, codes of morality, standards of taste, convention and fashion, as well as to his own social feeling. These, especially as embodied in social institutions, undoubtedly represent the real social constitution in which state authority is rooted and out of which legal enactments grow. Good citizenship is responsibility to intangible social forces and co-operation towards social ends. It is rightly believed that education is the method required for enlarging responsibility to enlightened public opinion and for securing balance and discrimination in these days of shallow plausibilities. It is to the citizen who is amenable to that which stands behind the law and gives it power that eugenics confidently looks for its future effectiveness. When education has made available the results of scientific investigation of human heredity, social responsibility will include biological responsibility, and citizenship will regard the community of the future as well as that of the present.

But the community also contains persons, not really members, who are not touched by social forces and purposes, and whose conduct demands coercion. With these, the will of the enlightened and responsible is carried out by restriction and compulsion. The believer in eugenic principles is concerned with this type, whether anti-social or unsocial, because he is aware that it is for the greater part self-perpetuating, and that

he absence of civic worth is associated with irresponsible fecundity. He therefore addresses himself to the task of ascertaining what restrictive measures, operating through legal administration, may be effective in diminishing the number of those possessed of little or no social value, and in securing that the small proportion of each generation who become parents of the next shall be of the better and not the worse. The difficulty with a newly recognised but unapplied principle is the absence of centuries of experiment and failure which the legislator seems to need in handling a measure that involves adjustments of great complexity; unless, indeed, the continued and repeated failure of other principles may not represent the experimental stage of the new one. The problem of poor law reform, therefore, falls within the eugenic field in so far as it is one of the relation of relief to hereditary deficiency and its reproduction.

2. *Eugenics and Social Theory.* Since current discussion of poor law reform has brought into clear contrast certain principles supposed to be ultimate in the constitution of society, but antagonistic, it may be well to indicate some of the general bearings of the eugenic principle which we conceive to be of necessity supplementary to either of the others now seeking support. While the contract doctrine of traditional political theory may be considered obsolete, it has, nevertheless, left certain consequences in modern social conceptions which are deeply entrenched in the unconscious academicism of the practical man. Among these is the belief that rights and duties, however defined, describe the relation of the single individual to the state, and to the social order in so far as represented in the state. This idea, probably necessary in the first crude conceptions of democracy, assumed a political man, just as economic theory later created a dummy for its own purposes, who might be different from his neighbours in every respect, but whose relation to the state was precisely the same as theirs. This man was responsible for his children to a certain age, after which they stood on their own feet on the uniform plane of rights and responsibilities. The doctrine, it is needless to say, has never been applied in England except as a sort of limiting conception, but even so it has resulted in more injustice than the justice it

was supposed to fortify. Criminal conduct, for example, derives from causes much deeper than can be touched by any reference to individual responsibility, but the law, except in cases of insanity, cannot regard the kind of man a criminal may be. A considerable proportion of criminals are known to be feeble-minded, and a considerably larger proportion of criminals are driven into crime by hereditary tendencies; possibly the rest are made by a defective education. Individual responsibility is thus in great part mythical; the self-protective interest of society would be better served if those possessing definite criminal tendencies were subjected to kindly but permanent detention and in this manner prevented from bringing into the world others like themselves.

It is probably the doctrine of single and individual responsibility, which assumes a uniformity of kind, that prevents present discussion of the poor law from squarely facing the question, what kind of man is the pauper, what were his antecedents, and what are his children likely to become?

The interpretation of pauperism and of the social order which proceeds from the standpoint of economic organisation has also been neglectful of the problem of original human quality. Its main ideas are in accord with the view that conditions can make anything of any man, and thus come within that environmentalism which dominated the nineteenth century, but is now reaching the limitations which every half-truth must sooner or later encounter. This is intended to say nothing against the improvement of the conditions of life which has been the triumph of the principle, but recognises that it is one-sided, and that, under the best conditions, it is human quality that makes the difference between success and failure. The faith of the environmentalist blinds him to the fact that a great part of pauperism lies outside the operation of normal economic processes, and can probably not be brought into touch with them.

It seems clear to us, therefore, that whatever view may be held as to the primary and the ultimate relation of the individual person to the community, it requires supplementation by a recognition of biological forces which operate in human beings as in other animals. This defines itself more specifically in this

connection as recognition that efficiency is pre-eminently a matter of hereditary quality, and that an individual is one of a family or stock before he is one of a community. The fundamental problem in social reform is therefore how to make stocks responsible to the community—how to make parents prospectively responsible for their offspring and even to the next generation, not so much as concerns care and welfare as characteristics of quality which, it is certain, will shape their lives to a greater degree than any set of conditions.

3. *The Eugenic Principle in Operation.* There is an ignorant prejudice which supposes that eugenics by applying the principle of biological selection to human beings would return to a "state of nature," in which the strongest and most cunning would survive and the weak and helpless be exterminated. It would be a general scramble, with the devil always taking the hindmost, a condition abhorrent to the sympathies of civilisation. This shortsightedness fails to see that civilisation itself depends upon the evolution by selection of certain qualities which are not without survival value, instead of being an external thing which has "tamed the brute." The best in civilisation is the best biologically—the basis of hope for future advancement. Selection, in the sense of survival, called "natural" with reference simply to a multiplying species with a limited food supply, takes a greater variety of forms, but is essentially of the same kind. Life is an effort to reach certain ends considered desirable; it may and probably always does involve competition and results in some degree of success or failure. Merely finding one's place in the social order by successive trials and failures is a process with direct descent from the struggle for existence; existence has become more complex and relative. This may even involve life itself, in spite of the boast that no one starves under civilised conditions; few are healthy enough to reach the end of starvation, being carried off by disease. Biological forces pursue their own way, no matter by what name they may be covered. Precautionary refusal to have children is biologically extermination by natural selection; the pauper who begets a dozen children and with them is supported by the community is a case of biological survival. The problem is not one of suspending natural forces,

but of guiding them. Unless civilisation utilises intelligence it will soon arrive at extinction by the elimination of all who are able to carry it on.

The chief difference between human and animal selection lies in the separation of the two factors, individual preservation and reproduction. With the lower animals the latter depended upon the former, which had to bear the stress and was therefore selective ; but this selection had biological importance only when it issued in reproduction. With civilised man, individual survival has been made an end in itself ; through charity and state relief the most deficient can subsist as well as the best ; nor can the community permit it to be otherwise. But because of the separation of the two factors, reproduction has had no controlling principle, with the result, as mentioned above, that extinction is falling where it is least wanted. But this division which has admitted the trouble also provides the cure. Biological survival is in no case a matter of individual survival under civilised conditions ; what is therefore required is attention to and control of reproduction. In respect to any representative of undesirable stock, the principle states that the community will keep him alive, will give him sympathy, protection and kindly treatment, but that the interest of the future demands that he shall be denied the privilege of parenthood. The community may, if it likes, provide palaces for its paupers, feeble-minded, criminals and alcoholics, to induce them to forego their desire to be progenitors of their kind through all future generations, in complete assurance that it will be well repaid in a hundred years. A cheaper alternative method is enforced kindly detention. The right of the subject may be anything but the right to curse the future.

4. *Kinds of Necessitous.* One of the necessary preliminaries to the administration of relief seems to us to be an enquiry into the kinds of persons demanding it. This classification should be based on existing pauperism, but should be carried further than hitherto to indicate the special and general causes that operate in each type. The type again should indicate the kind of treatment ; if, as is probably necessary, there is modified classification for administrative purposes, this should have

sufficient flexibility to aid, and not defeat, the treatment required by the special type.

The classification of the old Poor Law, based on the principles of 1834, was really administrative, but was believed to correspond to a division by character. The population consisted of "independent labourers" and "paupers"; the line of destitution separated them; relief had to be given on undesirable terms so as to drive as many as possible into the ranks of independent labourers. Both its administrative and its psychological simplicity commended this principle to general acceptance. But apart from the fact that it had regard only for the able-bodied pauper, and so brought hardship and disgrace upon the aged, sick, widows and children, this in time leading to exaggerated out-relief and charity, it really failed in its original purpose of diminishing the pauper class, except technically, because the conditions behind the workhouse test were quite endurable, and even desirable by many who thrived under them and brought up large families. The workhouse created a new and lower standard of life, which compensated for degradation by certainty of tenure. As the object of the community was to avoid being shocked by the spectacle of human starvation—this being the demand of civilisation—it paid the cost and disregarded the consequences.

It was to be hoped that the late Commission would make an inquiry into the real and intimate causes of pauperism based on extensive investigation of paupers themselves, and that the result would be a scientific classification which could be modified into an administrative one. Instead of this both branches of the Commission started with the assumption that the pauper was a normal person made necessitous by circumstances. On the one hand, his condition resulted from causes which undermined his character, such as indiscriminate charity and reckless relief without co-ordination and aim, or from insufficient aid and guidance at critical moments towards a position of independence. On the other hand, the pauper was a normal person injured by prolonged lack of opportunity to work, the various forms of degradation and weakness being traceable to this cause. As for the aged, sick and children, misfortune, associated with the other

causes mentioned, was accountable. In this manner the problem of the Commission became one of administration directed to the manipulation of circumstances, so as to save the independent labourer and to assist, no longer drive, the pauper to a position of independence. The two branches of the Commission are really one at bottom from this point of view, and their antagonism lies in the methods by which the common intention can best be carried out, that is, it is an antagonism arising from other fields than that of public relief.

If attention is directed to limited groups of necessitous persons, assent is commanded by either, or indeed, both sets of proposals advanced by the Commission. It is because of this limited application that the present report demands a place; it must supplement either administrative proposal, or what a judicious eclecticism may take from the two.

That element in pauperism which represents and transmits original defect, almost completely neglected in the investigation and wholly neglected in the recommendations of the Commission, is the one we wish to be taken into consideration.

The determination of this element is not a matter of opinion but of the application of methods of careful investigation. It is impossible to disregard the fact that the typical dependent in the minds of both majority and minority commissioners is not the typical dependent who habitually receives relief. Yet it is precisely the latter who is primarily the subject of poor law legislation and who affords the chief burden on the public purse. He is not the man who responds to a call upon manly independence or stands ready to take a place made available through the labour exchange. He was born without manly independence and is unable to do a normal day's work however frequently it is offered to him. Tests, whether of destitution or of the labour exchange, are mere futilities when applied to him; he does not respond because there is nothing in him to respond. His main-spring came into the world broken. His reproductive instinct, however, remains intact.

To what further extent hereditary weakness plays a part in the whole range of the necessitous, including the able-bodied unemployed, it is impossible at present to speak with certainty.

In a general sense, and of course with many exceptions, the unemployed represent relatively weaker stocks. With a diminution of work elimination falls upon the less qualified. This is complicated by the factor of age; elimination at forty years of age is possibly associated with elements of original weakness. The Employers' Liability Act has operated quite directly as a selective agency. The unemployed as a whole seem unable to work at the standard required by industry, and it appears from the experience of distress committees that the men employed in specially provided work were unable to meet the normal day's requirements. Some kinds of pre-conception see the cause of this in the previously unfed condition of the men, or in the degeneration they had suffered through being a considerable time out of work. But with all this there is a sub-conscious conviction that unemployment as a whole represents inferior capacity, and that while undoubtedly the higher ranges of unemployment may be redeemed by judicious administrative assistance, beyond these higher ranges there is not much ground for hope. If a man can do only half the work required in these days of standardised wages, it is rather futile to attempt to introduce him into the industrial *régime*. Whether the State should utilise this labour of inferior capacity by the provision of special work is not our concern. It is instructive in connection with the foregoing to study the statistics of unemployment in order to ascertain what kinds of workmen are thrown out of employment by the cycles of trade depression, and to what extent these kinds fall upon public relief. It seems certain that the meeting place of pauperism and unemployment lies in casual labour, and that only a relatively small proportion of skilled labour thrown out of employment becomes a burden upon the rates. Pauperism seems to reach very little higher than unskilled, casual labour, and it is in a sense unfair to associate the ranges of unemployment above this with the problem of public relief. The necessitous person, in the eyes of the commissioners, seems to be one on the borders of normal employment, whose status can be re-established by arrangement of appropriate conditions, while the many degrees below this were almost disregarded. The classification of poverty by Mr. Charles Booth shows at least three

degrees that never have industrial status, and can probably never acquire it under any conditions. It is from these that rate-supported pauperism is mainly derived.

Measures calculated to save the good man from degradation, in whatever way this may be best effected, can only command approval. The aged and children are of no direct eugenic concern, and while we cannot ignore the biological factor in the sick, we are prepared to admit this as a special category. One's sympathies receive a slight check on noticing the prevalence of ulcerated legs in workhouse infirmaries.

5. *The Principle of Detention.*—The present workhouse system has received ample criticism at the hands of the commissioners, but we are left with few suggestions as to what may take its place. One branch of the Commission desires its complete abolition. It is difficult for us to see how measures calculated to reduce the pauper population can be given effective operation without some kind of institutional machinery. The old workhouse test is to pass away; the old-fashioned hardships intended to make the test effective no longer command approval. We are of opinion that the community requires some mode of controlling the pauper population which it must inevitably support; the alternative is unconditional out-relief, which can hardly cure the trouble. The only basis on which institutional care can be made effective is power of detention. The old freedom of discharge was the necessary correlative of the workhouse test; but Guardians are well aware that the "ins and outs" do not leave the workhouse for the ranks of independent labour, and the majority of them would probably desire power to control the movements of their chronic paupers. In principle, pauperism of this real and hopeless kind must be classed with feeble-mindedness, from which it is indeed barely differentiated. If the public could see the facts as they are there would be much less sentimentalism in the matter. Permanent care seems then to be the remedy, and the authorities concerned must have the power to enforce it. This proposal is not contrary to what is implied in both reports, but the commissioners had insufficient courage to recommend it. Public interest is involved with those who cannot be made self-supporting; they happen to be the costly

ones, and what the public interest requires is that these shall be eliminated as speedily as possible. This can be done by giving to such unfortunates kind and permanent care, but with this a refusal to permit them to reproduce their kind.

6. *The Feeble-minded.* Both reports content themselves with reiterating the main administrative recommendation of the Commission on the care and control of the feeble-minded, that this class of defectives should be removed from the scope of the poor law and placed under a reconstituted lunacy commission. In spite of the many obvious advantages of such a measure, which, coupled with an adequate registration machinery, would go far toward a much needed public control, it must be judged in part by its answer to the question:—is it the most direct way to permanent care and segregation of the feeble-minded? Unfortunately, the commission makes no recommendation which contemplates permanent institutional care, but mentions it only incidentally as one of the methods that might be adopted by the committee. The commission therefore, like most others, deals elaborately with the preliminaries of the problem and stops short of the crucial point. Could the money required for the extensive new organisation and administration be applied directly to institutional care which would segregate and prevent reproduction, results in the diminution of the feeble-minded would show themselves more quickly than if some indefinite measure were contemplated in the indefinite future. Care and control are efficient only if they result in a diminution of the class and it is completely certain that this can be done only in one way. It will be found that if institutional care is provided and voluntary efforts assisted by exchequer grants, the public will readily make use of these means. The problem of enforced detention solves itself when there is opportunity for permanent care. What the public does not quite understand is that it is already paying the bill for practically permanent support of the feeble-minded through the poor law, institutions for alcoholics, prisons, etc., supplemented by private charity. It may yet appear that provision for the feeble-minded should be associated with provision for the residue of defectives left by the elaborate machinery of assistance which a reformed poor law will set in operation. The

problem is the same in both cases—to secure the speedy elimination of defective stocks. This is not the chief object of the lunacy commission. The light of recent knowledge throws some doubt on to the efficacy of the educational methods adopted by County Councils in the conduct of special schools for the mentally defective. It serves no good purpose to continue a provision known to be fundamentally erroneous even though it has the advantage of being established. Education, as understood and administered by education authorities, is wasted on feeble-minded children.

7. *Accessory Measures.*—When the facts are understood much will be done by outside agencies to diminish the defective population. It is obviously contrary to the interest of the community that the present freedom of marriage should be continued in connection with degenerate stocks. If these stocks could be assembled in a self-contained community, a few generations might bring them to a natural termination. They are, however, constantly receiving accessions of vitality from the normal population, which they, in turn, vitiate with degenerate strains. It seems clearly advisable, therefore, that those who perform the marriage ceremony, religious or civil, for the type of persons found in the pauper population, should have power to refuse this on the basis of enquiry and full understanding of the facts of family history.

A further barrier to irresponsible mating might be found in some plan of insurance attending marriage. This, however, requires investigation and careful consideration; so many insurance plans have resulted in consequences other than, and sometimes contrary to, those intended, that any proposal in this direction must be applied with great caution. Such hindrances to marriage would probably result in some increase of illegitimacy, but this would be small as compared with the number of children normally produced, and the State can better tolerate the crime of illegitimacy than that of passing on, unhindered and uncontrolled, a costly burden to the next generation.

It is to be noted, finally, that degenerate tendencies do not manifest in transmission a single set of characteristics, but take on a great multiplicity of forms. A single family stock produces paupers, feeble-minded, alcoholics, and certain types of criminals. If an investigation could be carried out on a sufficiently large scale we believe that the greater proportion of undesirables would be found connected by a network of relationship. A few thousand family stocks probably provide this burden which the community has to bear.